

Highlights of **GAO-03-22**, a report to the Ranking Minority Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

When shipments of dangerous goods (hazardous chemical substances that could endanger public safety or the environment, such as flammable liquids or radioactive materials) are not properly packaged and labeled for air transport, they can pose significant threats because there is little room for error when something goes wrong in flight. To better understand the risks posed by improper (“undeclared”) air shipments, we assessed what is known about their nature and frequency, what key mechanisms are in place to prevent their occurrence, and what the Department of Transportation (DOT) and the Postal Service do to enforce federal regulations for shipping dangerous goods by air.

Figure 1 shows how DOT regulates the air transport of dangerous goods in the United States.

What GAO Recommends

GAO recommends that DOT improve its enforcement approach by (1) determining whether the unique characteristics of air transport warrant the development of a legislative proposal that would enhance DOT’s authority to inspect packages shipped by air and (2) requiring FAA to strengthen its policy on documenting the reasons for changes to the amounts of the recommended fines.

www.gao.gov/cgi-bin/getrpt?GAO-03-22.

To view the full report, including the scope and methodology, click on the link above. For more information, contact Gerald Dillingham at (202)-512-2384 or dillingham@gao.gov.

AVIATION SAFETY

Undeclared Air Shipments of Dangerous Goods and DOT’s Enforcement Approach

What GAO Found

Little is known about the nature and frequency of undeclared shipments of dangerous goods. While major carriers and the Postal Service believe such shipments are rare, their belief is based mainly on inspections of problem shipments, such as those that leak. Statistically valid, generalizable data are not available and would be difficult to obtain, not only because more inspections would entail costly delays for carriers but also because Constitutional protections limit DOT’s and the Postal Service’s inspection authority. DOT is seeking greater authority to open potentially problematic shipments for inspection, but its efforts are not limited to air transport and would not enable DOT’s Federal Aviation Administration (FAA) to obtain statistically valid, generalizable data on the nature and frequency of undeclared air shipments. A change in the law requiring that shippers consent to the opening of packages for inspection might be appropriate for air transport and would enable FAA to obtain such data. FAA could then identify the resources and actions needed to address the problem.

Federal regulations create a framework for transporting dangerous goods safely, and outreach to shippers and carriers helps to prevent undeclared shipments. Private industry does business primarily with “known shippers” (those that have shown they comply with the regulations). The Postal Service cannot restrict its business to known shippers, but it requires customers to bring packages weighing 16 ounces or more to a post office for screening. Carriers and the Postal Service both train their employees to screen for undeclared shipments.

The Postal Service and FAA monitor and enforce compliance with federal regulations for transporting dangerous goods by air. However, the Postal Service cannot fine violators and seldom takes criminal action, since most violations are inadvertent. FAA’s enforcement guidance calls for documenting the reasons for any changes in the fines its inspectors initially propose. GAO’s review of enforcement case files indicates that the reasons for changes were not always documented. FAA attributes some changes to the results of penalty negotiations. Because FAA is not always following its guidance, it cannot ensure that its fines are appropriate or consistent.

Figure 1: Air Transport of Dangerous Goods Authorized by DOT

